

IN SENATE OF THE UNITED STATES,

DECEMBER 22, 1820.

Mr. LOWRIE, from the Committee on Public Lands, to whom was referred the petition of Daniel W. Coxe, one of the owners of the claim of the Marquis De Maison Rouge, on the Washita river, in the state of Louisiana, made the following

REPORT:

On the 17th of March, 1795, the governor of Louisiana entered into a contract with the Marquis De Maison Rouge, of which the following is a copy:

We, Francis Lewis Hector, Baron de Carondelet, knight of Malta, brigadier-general of the royal armies of his Catholic Majesty, military and civil governor of the provinces of Louisiana and West Florida, Don Francis Rendon, intendant of the army, and deputy superintendent of the royal domains in the said provinces; Don Joseph de Orue, knight of the royal and distinguished order of Charles the Third, principal accountant for the royal chests of this army, exercising the functions of fiscal of the royal domains, declare, that we agree and contract with the Senor Marquis de Maison Rouge, an emigrant French knight, who has arrived in this capital from the United States, to propose to us to bring into these provinces thirty families, who are also emigrants, and who are to descend the Ohio, for the purpose of forming an establishment with them on the lands bordering upon the Washita, designed principally for the culture of wheat, and the erection of mills for manufacturing flour, under the following conditions:

1st. We offer, in the name of his Catholic Majesty, whom God preserve, to pay out of the Royal Treasury, two hundred dollars to every family composed of two white persons fit for agriculture, or for the arts useful and necessary to this establishment, as house or ship carpenters, blacksmiths and locksmiths; and four hundred to those having four laborers; and, in the same way, one hundred to those having no more than one useful laborer or artificer, as before described, with his family.

2d. At the same time, we promise, under the auspices of our sovereign monarch, to assist them forward from New Madrid to Washita, with a skilful guide, and the provisions necessary for them, till their arrival at their place of destination.

3d. The expenses of transportation of their baggage and implements of labor, which shall come by sea to this capital, shall be paid on account of the royal domains, and they shall be taken on the same account from this place to the Washita, provided, that the weight shall not exceed three thousand pounds for each family.

4th. There shall be granted to every family containing two white persons fit for agriculture, ten arpens of land, extending back forty arpens, and increasing, in the same proportion, to those which shall contain a greater number of white cultivators.

5th. Lastly; it shall be permitted to the families to bring, or to cause to come with them, European servants, who shall bind themselves to their service for six or more years, under the express condition, that, if they have families, they shall have a right, after their term of service is expired, to receive grants of land, proportioned, in the same manner, to their numbers. Thus we promise, as we have here stated; and that it may come to the knowledge of those families which propose to transport themselves hither, we sign the present contract with the aforesaid Senor Marquis de Maison Rouge, to whom, that it may be made plain, a certified copy shall be furnished. New Orleans, the 17th of March, 1795.

THE BARON DE CARONDELET.

FRANCIS RENDON.

JOSEPH DE ORUE.

THE MARQUIS DE MAISON ROUGE.

On the 14th of July, in the same year, this contract was laid before the King of Spain, by whom, as appears by the following, it was duly approved.

Having laid before the King what you have made known in your letter of the 25th of April last, No. 44, relative to the contract entered into with the Marquis of Maison Rouge, for the establishment on the Washita of the thirty families of farmers destined to cultivate wheat, for the supply of these provinces: his Majesty considering the advantages which it promises, compared with the preceding, has been pleased to approve it in all its parts. By his royal direction I communicate it to you for your information. God preserve you many years. Madrid, 14th July, 1795.

GARDOQUI.

To the Intendant of Louisiana.

New Orleans, Nov. 13, 1795.

To be transmitted to the principal office of accounts (contaduria) of the army and royal domains, for their information; and two certified copies to be provided for the Secretary's office.

RENDON.

On the 14th of June, 1797, Carlos Trudeau, surveyor general, certifies to have measured thirty superficial leagues in favor of the Marquis de Maison Rouge, by order of the governor general the Baron

de Carondelet. It will be seen, by the certificate of the surveyor general, attached to this report, (No. 1,) that the land in question was surveyed in four separate tracts, and designated by natural and artificial marks, with great care and precision.

On the 20th of June, 1797, a few days after this return of survey; the following patent, or "titulo," as it is called in the original Spanish, was granted to the Marquis de Maison Rouge.

The Baron de Carondelet, Knight of the order of St. John, Marshal de Camp of the Royal Armies, Governor General, Vice Patron of the provinces of Louisiana and West Florida, Inspector of Troops, &c.

Forasmuch as the Marquis de Maison Rouge is near completing the establishment of the Washita, which he was authorized to make for thirty families, by the royal order of July 14th, 1795, and desirous to remove, for the future, all doubt respecting other families or new colonists who may come to establish themselves, we destine and appropriate, conclusively, for the establishment of the aforesaid Marquis de Maison Rouge, by virtue of the powers granted to us by the King, the thirty superficial leagues marked in the plan annexed to the head of this instrument, with the limits and boundaries designated, with our approbation, by the Surveyor General, Don Charles Laveau Trudeau, under the terms and conditions stipulated and contracted for by the said Marquis de Maison Rouge; and that it may, at all times, stand good, we give the present, signed with our hand, sealed with our seal at arms, and countersigned by the underwritten honorary commissary of war and secretary of his Majesty for this commandancy general. New-Orleans, the twentieth of June, 1797.

The Baron de CARONDELET.

ANDRES LOPES ARMISTO.

NOTE.—That, in conformity with his contract, the Marquis de Maison Rouge is not to admit or establish any American in the lands included in his grant.

The Baron de CARONDELET.

On the 5th of August, 1803, Don Gilbert Leonard and Don Manuel Gonzales Armirez, Spanish officers in the province of Louisiana, gave a certificate, (No. 2,) stating that the Marquis de Maison Rouge complied punctually with the terms he proposed in said contract.

On the 14th December, 1812, the commissioners acting under the directions of the act of Congress of the 3d of March, 1807, by their report, (No. 3,) placed this claim among a class of cases which, in their opinion, ought to be confirmed; and, by the act of Congress of the 29th April, 1816, all these cases, not exceeding a league square, were confirmed accordingly. The present claim, on account of its magnitude, being excluded by the act of 29th April, 1816, application that it might be confirmed was made to the next succeeding Congress by the owners of the grant. A committee of the House of Represen-

tatives reported in favor of the petition, and, on the 10th of February, 1817, presented a bill confirming the title of the Marquis de Maison Rouge. The bill was not then acted upon, and, until the present session, the attention of Congress has not been called to the subject.

From a careful examination of the foregoing documents, the committee have come to the conclusion that the title is legal and formal, according to the laws and usages of the province of Louisiana, and that the same ought to be confirmed; and for that purpose report a bill.

No. 1.

[TRANSLATION.]

Carlos Trudeau, Surveyor General, &c. certifies to have measured, in favor of Marquis of Maison Rouge, the several tracts of land represented in those parts of the plat, shaded with vermillion, which may contain thirty superficial leagues, to wit, the tract, No. 1, on the right bank of Washita river, to be taken five arpens below the mouth of the Bayou de la Cheniere au Toudre, and thence descending to the Bayou Calumet with a corresponding depth to complete one hundred and forty thousand superficial arpens; the tract marked No. 2, on the left bank of the same river, commencing two leagues below Fort Miro, and at the point called Láine, and extending one league below the Prairie de Lee, with a corresponding depth, to complete seventy thousand superficial arpens; the tract marked No. 3 to be taken in front of the Bayou Loutre, and thence, on a line S. 75 deg. E. to the Bayou de Liar, which line, to the Bayou de Liar, the Bayou Bartelemy, and the river Washita, are to include the tract No. 3; tract No. 4, on the right bank of Washita river, to be taken in front of the entry of Bayou Bartelemy, thence, descending the river, to Bayou la Loutre, with such depth as that the tracts Nos. 3 and 4 shall include the quantity of eight thousand three hundred and forty-four superficial arpens, which, added to the two first tracts, makes a total superfice of two hundred and eight thousand three hundred and forty-four superficial arpens, equal to the above said thirty leagues, at the rate of two thousand five hundred toises for the side of a league, the land measure in this province. Being well understood that the land which may be included in the above, either by title in form or first decrees of concession, are not to be counted in computing the preceding thirty leagues; on the contrary, the Marquis de Maison Rouge promises to be of no detriment to the settlers occupying previously any part of the land, but will maintain and support them in their rights, in consideration that, if the said thirty leagues shall suffer any diminution on account of previous occupants, the Marquis

de Maison Rouge has the right, and there will be no objection to his supplying the deficiency in any other part where the land is vacant. And, that it may so appear, I give this, by order of the Governor General, Baron de Carondelet; all which I certify.

CARLOS TRUDEAU, &c.

New Orleans, 14th June, 1797.

The foregoing is the substance of the process verbal (certificate) of the Surveyor General, subjoined to the plat (of which that on the other side is a copy) filed in the claim of Louis Bouligny, holding under Maison Rouge.

Land Office, Opelousas, 15th August, 1812.

L. CHACHIRE,

Translator to the Board of Commissioners.

Attest,

L. POSEY, *Clerk of the Board.*

I certify that the above, and the preceding page, is a true copy from the report of the Land Commissioners of the Western District of Orleans, dated the 14th December, 1812; and that the plat attached hereto is a copy of the plat attached to the said report. The original papers, copied in pages 67, 68, and 69, of the book entitled Land Laws, are not in this office.

JOSIAH MEIGS.

GENERAL LAND OFFICE, 12th December, 1820.

No. 2.

Don Gilbert Leonard, treasurer of the army, exercising the functions of royal accountant, and Don Manuel Gonzales Armirez, exercising those of treasurer par interim, of the royal chests of this province of Louisiana:

We certify that the two foregoing copies are conformable to the originals which remain in the archives of the ministry of the royal domains under our charge, and that the contractor, the Marquis de Maison Rouge, complied punctually with the terms which he proposed in the said contract; and, that this may be made manifest, conformably to the order above inserted of this intendancy general, we give the present in New Orleans, the 5th of August, 1803.

GILBERT LEONARD.
MANUEL ARMIREZ.

No. 3.

Claims to Land in the County of Washita.

Reported No.	Register's No.	By whom claimed.	Original proprietor or claimant.	Quantity claimed.	Nature and date of title or claim.	Class.
16	11	Louis Bouligny.	Marquis de Maison Rouge.	Thirty square leagues.	Spanish grant, 20th June, 1797.	B.

No. 16. The undersigned commissioners have compared the documents, title filed in this claim, with the translation of them in pages 67, 68, and 69, of the appendix to the book, entitled "Land laws, &c." and find the said translation to be correct, so far as it goes. The certificate, or process verbal, which the surveyor general has annexed to his plat, not appearing in said book, a translation of that document, together with a copy of the plat, is transmitted for the further elucidation of the claim. No oral or other testimony has been adduced before the board to establish the occupancy of any part of these lands, or that there has been a compliance upon the part of the grantee with the conditions stipulated in the contract, except the certificate, under date of the 5th August, 1803, signed by Gilbert Leonard and Manuel Armirez, to the translation of which, in page 69, of the appendix of said book, the commissioners beg leave to refer.

The undersigned have observed a remark in the 25th page of the introductory part of the book, entitled "Land laws," that no patent has issued on the claim under consideration. With great deference for that authority, the undersigned commissioners cannot but be of opinion, that the instrument, under date of the 20th of June, 1797, is a patent, (or what was usually, in Louisiana, denominated a title in form) transferring to the Marquis de Maison Rouge the title, in as full and ample a manner as lands were usually granted by the Spanish government, subject, however, to the conditions stipulated in his contract with the government. The plat of survey above referred to will be found subjoined to this report.

GENERAL LAND OFFICE.

I certify that the foregoing is a true copy from the report of the Land Commissioners of the western district of Orleans, dated the 14th December, 1812, and that the above claim, with others, marked B, are "the second class comprizing claims which, though not embraced by the provisions of the said acts, ought, nevertheless, in the opinion of the Commissioners, to be confirmed, in conformity with the laws, usages, and customs, of the Spanish government."

Witness my hand, this 6th of December, 1820.

JOSIAH MEIGS,

Commissioner of the General Land Office.

